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GOVERNOR

STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
MAINE EMERGENCY MEDICAL SERVICES
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MICHAEL P. CANTARA
COMMISSIONER

JAY BRADSHAW
DIRECTOR

BOARD OF EMS MEETING
SEPTEMBER 6, 2006
9:00 AM
DE CHAMPLAIN CONFERENCE ROOM

MINUTES (FINAL)

Members: Steve Leach, Chair; Wayne Werts, Chair-elect; Bob Ashby, Alan Azzara, Tim Beals, Oden Cassidy, Joe Conley, Peter Dipietrantonio, Richard Doughty, Penny Kneeland, Paul Knowlton, Jim McKenney, Bill Montejo, Carol Pillsbury, Roy Woods, Steve Diaz (ex-officio)

Staff: Jay Bradshaw, Dawn Kinney, Scott Smith, Drexell White

Attorney General's Office: Laura Yustak Smith AAG

Regional Coordinators: Donnie Carroll, Steve Corbin, Joanne LeBrun, Rick Petrie, Bill Zito

Investigator: Karen Packard

Guests: Steve Bunker, Bruce Davis, Chris Knight, Evelyn Lamprey, Cameron Martin

1. Introductions

Jay introduced Scott Smith, who has joined the MEMS staff as the Education Coordinator, and Karen Packard, who has been working with the Board of Dental Examiners as an investigator for several years and will now be doing the same function for MEMS.

Other guests identified themselves and were welcomed by the chair.

2. Approval of August 2, 2006, meeting minutes

MOTION: To approve the minutes of the August 2, 2006, meeting as corrected. (Kneeland; seconded by Woods) Unanimous.

NOTE: Items from this point on may appear in an order different than the original agenda.

3. New Business

a. Waiver Requests

- i. Cameron Martin. *NOTE: Prior to this item being discussed, Chief Werts disclosed that he is a friend of Chief Martin's and that Chief Martin worked for Chief Werts for several years. Chief Werts felt that he could objectively consider Chief Martin's waiver request, and without objection from the Board, Chief Werts remained at the table and participated in the discussions and votes. Chief Woods and Bill Montejo also noted that they have known Chief Martin for several years, but that this would not affect their ability to provide an objective opinion on this request.*

Cameron Martin is the Fire Chief for the Town of Falmouth and a former EMT-Paramedic with Auburn Fire Department. Chief Martin's license expired in February 2003. Chief Martin is requesting a waiver of Chapter 5 §4.5(B)(1) in order to use a refresher course to relicense as a Basic EMT. In reviewing this request, the Board made the following findings:

1. That Chief Martin did take reasonable steps to ascertain the rule and comply with it.
2. That there was no indication he had received inaccurate information by an agent or employee of the State EMS program.
3. That there is financial harm in requiring him to attend a full EMT course compared to a refresher course and potential harm by his delay in relicensing due to the service's call volume (1,200 calls/year) and that they have 2 ambulances, but only 1 daytime paramedic.
4. That due to Chief Martin's 20 years experience as an EMS provider and instructor that this waiver does not present a health or safety risk to the public at large or a particular individual or community.
5. That due to Chief Martin's EMS experience and the absence of any action against his license that this would not present a precedent that would unduly hinder the Board or MEMS system.

MOTION: To approve the waiver of Chapter 5 §4.5 (B)(1) providing that Chief Martin successfully completes an EMS refresher before December 31, 2006. (Beals; second by Montejo). Unanimous with 2 abstentions (Werts & Woods)

- ii. Evelyn Lamprey. *NOTE: Prior to this item being discussed, Steve Leach disclosed that he is the clinical coordinator for the Paramedic program in which Ms. Lamprey is a student – and as such, recused himself from the discussion and left the Board table.*

Evelyn Lamprey is a Registered Nurse who completed her Basic EMT course in January 2006 and is requesting a waiver of Chapter 8 § 1.H (Candidates must meet the training requirements for licensure at the level from which a course starts). Ms. Lamprey did not complete the process to obtain this approval prior to the start of a Paramedic Program offered jointly by Mid Coast EMS and KVCC. When Ms. Lamprey applied for the Paramedic Course, her application was denied by Bill Zito on behalf of Mid Coast EMS, but then Ms. Lamprey was given acceptance to KVCC by Bruce Davis. Ms. Davis submitted her nurse challenge packet to MEMS on July 21, 2006;

however, there were several items missing. On August 22, 2006, Ms. Lamprey requested a waiver of the rules citing conflicting information received and her inability to obtain a prehospital type trauma life support certification before October 2006.

In reviewing this waiver request, the Board made the following findings:

1. That Ms. Lamprey did not take reasonable steps to ascertain and comply with the Rules.
2. That she was not given inaccurate information by an agent or employee of the State EMS program.
3. That she would be harmed if the waiver were not granted since she has paid > \$4,000 in tuition to KVCC; however, Bruce Davis said the College would provide a refund in this situation.
4. A waiver in this matter would not pose a health or safety risk to the public or a particular individual or community.
5. A waiver in this matter would establish a precedent that may unduly hinder the Board or office in administering the MEMS system.

MOTION: To deny the waiver requested by Evelyn Lamprey as a result of the factors listed above. (Pillsbury; second by Doughty) Passed with 9 in favor, 4 opposed.

Several Board members expressed their concern that KVCC admitted a student that had been refused by Mid Coast EMS and the confusion that resulted from KVCC's failure to follow its own published entry requirements. Bill Zito, Rick Petrie, Bruce Davis, and Dr. Diaz will be meeting in response to these concerns.

- b. Medical Director's Report – Dr. Diaz reported that there was no MDPB or QI meetings in August, and due to the Avian Influenza/Pandemic Influenza conference on September 20, then next MDPB & QI meeting will be on October 18. The MEMS Cardiac Advisory Committee has combined with Dirigo Health/Maine Quality Forum AMI Heartbeat work group to form what is being called the Heartbeat AMI Response and Treatment (HART) Committee.

c. Investigations Committee

Tim Beals recused himself from this session due to his receiving information about this case outside of the Board meeting.

MOTION: To enter executive session pursuant to 32 M.R.S.A. §92.3 and 1 M.R.S.A. §405(6)(F) for the purpose of reviewing pending investigation #06-02 and 1 M.R.S.A. §405(6)(E) for receiving legal advice on the aforementioned investigation. (Doughty; second by McKenney) Unanimous

Executive session started @ 11:23

MOTION: To exit executive session. (Ahsby; second by Kneeland). Unanimous

Executive session ended @ 11:50

Chairman Leach reported that in executive session the Board discussed Case # 06-02.

MOTION: To accept the terms of the Consent Agreement in the matter of Case # 06-02. (Doughty; second by Cassidy) Passed with 12 in favor; 1 opposed (Kneeland)

MOTION: To ratify the Investigations Committee minutes of August 17, 2006. (Doughty; second by Ashby) Unanimous.

MOTION: To ratify the consent agreement in Case # 06/12. (McKenney; second by Woods). Unanimous.

Laura reported that the matter relating to the Town of Warren is scheduled for the Law Court on October 4.

- d. Ops Team – Joanne reported that at its meeting on September 5, the Operations Team discussed the following items: AI/PI Flu Conference, Review of Maine EMS Policies/ Procedures, routine meeting schedules, MEMSRR, the EMSSTAR sub committee, AVOC instructors courses, MCI Instructors courses, the 2nd PIFT beta test, and the grant from Highway Safety to provide PHTLS books. Next Ops meeting will be scheduled when the Board has determined its October schedule.
- e. Education – no meeting in August. The 2nd PIFT beta course will be conducted on September 9, 2006. The intention is to provide a report to the October Ops and MDPB meetings, with a target date for Board action in November.
- f. Exam Committee – the exam committee was updated on the upcoming transition to computer based testing. The committee will be sending a letter to all Level 3 (Paramedic) Instructor/Coordinators to solicit input on using the National Registry of EMT's paramedic exam.
- g. Emergency Medical Dispatch – Jay reported that David Kingdon resigned as EMD Coordinator in August to return to Hawaii and that Drexell White has been appointed to this position. Drexell reported on the EMD Quality Improvement requirements that have been drafted. Laura suggested that she and Drexell meet with Susan Herman to understand and resolve any labor issues that may be affected by the QI requirements.

MOTION: To accept the EMD Quality Improvement requirements subject to the review conducted by the Office of the Attorney General. (Montejo; second by Beals) Unanimous.

MOTION: An SBI background check is not necessary for EMD applicants due to the other background checks that are already required (e.g. METRO). McKenney; second by Cassidy). Unanimous.

Drexell also reported that the EMD Advisory Committee has been meeting monthly and requested that a representative of the Board be named. Tim Beals volunteered to fill this role.

4. Staff Update

- a. Personnel changes - Jay reported that with Drexell's promotion to EMD Coordinator, the process has begun to advertise the Licensing Agent position.
- b. Inspection update – Dawn reported that due to the staffing shortages over the past several months, she has not been able to keep her normal inspection schedule; however, that effort will be increasing in the coming months. Aroostook inspections will take place in late September, with the Northeast EMS region being the focus for October.
- c. Other – Jay reported that Medical Care Development notified MEMS that the October issue of the Journal of Maine EMS will be the last one published by MCD. As a result, an RFP was drafted and released to solicit proposals for a new publisher.

Jay also reported that he will be working to contract with a vendor for web site updates. This is an important communication medium; however, the ability to keep the site current has proven to be a significant challenge in recent months.

5. Old Business

- a. EMSSTAR Sub Committee – Wayne reported on the discussion that took place at the sub committee meetings regarding the statutory references to Regions and Regional Councils. The committee agreed that while it was not their intent to cease contracts with the regional offices, the statute currently was limiting the Board's ability to consider different service delivery models and responsibilities.

Following considerable discussion, it was agreed that the committee should take another look at the statutory language and focus only on those areas included in the EMSSTAR recommendation, which are primarily regulation and education.

The committee was also asked to take on the drafting of Board By Laws as a high priority.

The committee did recommend that the Board makes its position known with regard to electronic run reporting and discussed possible timelines for making e-run reporting mandatory.

MOTION: At the March 2007 meeting, the Board will consider establishing a compliance date for electronic run reporting. (Beals; second by Woods) Unanimous

6. Other – none at this time.

7. Next meeting date – due to a conflict with the National Association of State EMS Officials annual meeting, which Jay, Scott, and Dr. Diaz will be attending, the Board will meet on Wednesday, October 11, from 9:00 – 12:00.

Meeting adjourned at 2:54.